

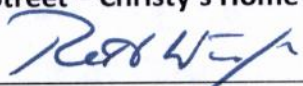


To the Honorable Council
City of Norfolk, Virginia

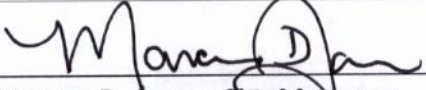
April 12, 2016

From: George M. Homewood, FAICP, CFM, Planning Director

Subject: **Special Exception to operate a Day Care Home with up to nine children at 414 33rd Street – Christy's Home Day Care**

Reviewed: 
Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: 2/7

Approved: 
Marcus D. Jones, City Manager

Item Number: **R-2**

- I. **Staff Recommendation: Approval.**
- II. **Commission Action: By a vote of 7 to 0, the Planning Commission recommends **Approval**.**
- III. **Request: Special exception – day care home with up to nine children on a residential property between 5,000-6,000 square feet.**
- IV. **Applicant: Christy's Home Day Care**
- V. **Description:**
 - The subject property is located on the north side of 33rd Street, between Colonial Avenue and DeBree Avenue, in the Park Place neighborhood.
 - Granting this request will allow the existing home business, Christy's Home Day Care, to expand its capacity from five children to nine children.
 - In order to address any potential impacts to neighbors, a special exception is required for day care homes with between six to nine children on any residential lot between 5,000-5,999 square feet in lot area.
 - A new Certificate of Occupancy will be required to ensure that the home can safely accommodate an increase from a five-child to nine-child day care home.

	Proposed
Hours of Operation	6:00 a.m. to 6:30 p.m., Monday through Saturday 7:00 a.m. to 4:00 p.m., Sunday
Hours for Outdoor Play Area	8:00 a.m. to 6:00 p.m., Monday through Saturday 8:00 a.m. to 4:00 p.m., Sunday

VI. Historic Resources Impacts:

The site is not located within a federal, state, or local historic district.

VII. Public Schools Impacts:

This site is located within the Granby Elementary School, Blair Middle School, and Granby High School Attendance Zones.

Staff point of contact: Matthew Simons at 664-4750, matthew.simons@norfolk.gov

Attachments:

- Staff Report to CPC dated March 24, 2016 with attachments
- Proponents and Opponents
- Ordinance

Proponents and Opponents

Proponents

Christianne Desir – Applicant
414 33rd Street
Norfolk, VA 23508

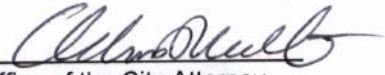
Tyrone Upshur
P.O. Box 1374
Norfolk, VA 23501

Opponents

None

03/22/2016 lds

Form and Correctness Approved: 

By 
Office of the City Attorney

Contents Approved: 

By 
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION TO PERMIT THE OPERATION OF A DAY CARE HOME KNOWN AS "CHRISTY'S DAY CARE" ON PROPERTY LOCATED AT 414 33rd STREET.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to permit the operation of a Day Care Home known as "Christy's Day Care" on property located at 414 33rd Street. The property which is the subject of this Special Exception is more fully described as follows:

Property fronts 50 feet, more or less, along the northern line of 33rd Street beginning 150 feet, more or less, from the western line of DeBree Avenue and extending westwardly; premises numbered 414 33rd Street.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- (a) The number of children shall be limited to a maximum of nine (9), excluding any children who are members of the family which resides at the home.
- (b) No zoning approval shall be granted to permit the use authorized by this special exception unless and until the applicant obtains a new certificate of occupancy to reflect the maximum occupancy allowed hereunder.
- (c) The hours of operation for the day care home shall be limited to 6:00 a.m. until 6:30 p.m. Monday through Saturday and 7:00 a.m. until 4:00 p.m. on Sunday. The hours for use of the outdoor play area shall be limited to 8:00 a.m. until 6:00 p.m. Monday through Saturday and 8:00 a.m. until 4:00 p.m. on Sunday. No use of the residence as a day care home shall be permitted outside the hours of operation

listed herein.

- (d) An opaque fence not less than six (6) feet in height shall be installed around the outdoor play area and shall be located in conformity with the regulations of section 13-2.3 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended).

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

- (a) The proposed use and development will be in harmony with the objectives and policies of the adopted General Plan of Norfolk and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;
- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;
- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;
- (d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;
- (e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;
- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;

- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;
- (j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and
- (k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

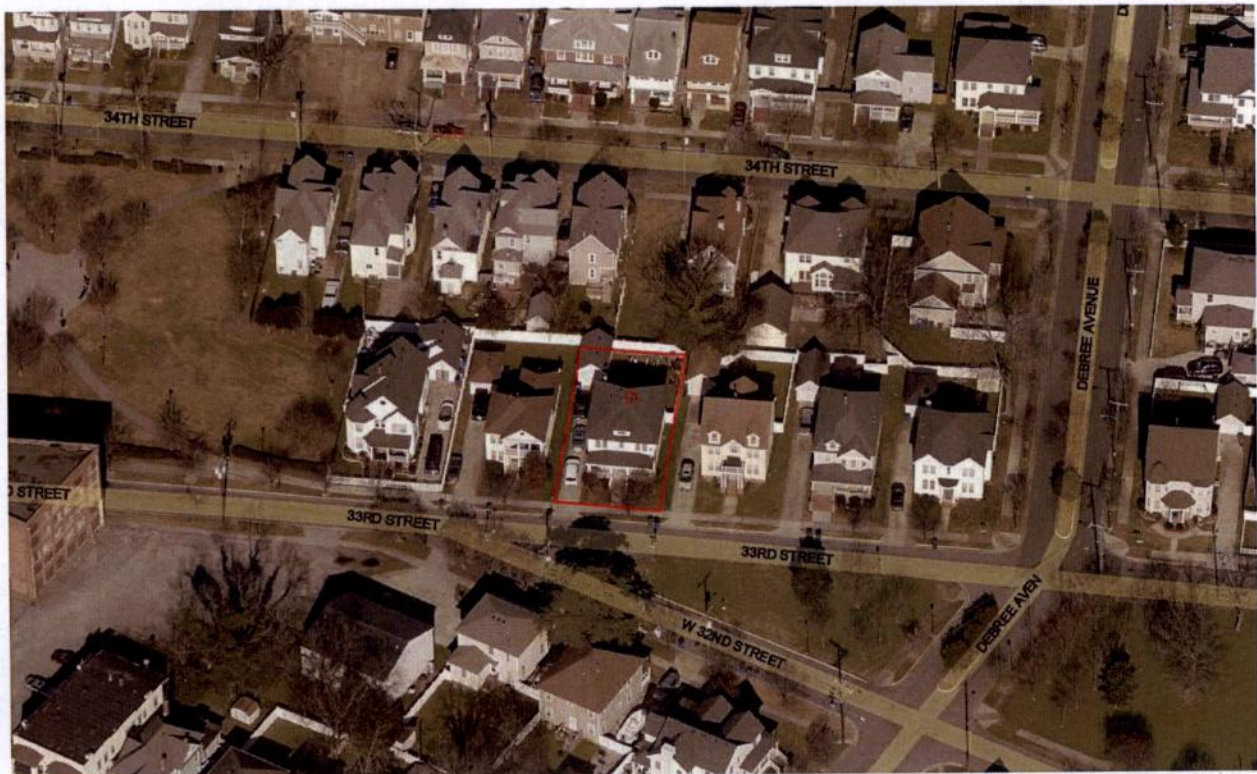
Section 4:- That this ordinance shall be in effect from the date of its adoption.

Planning Commission Public Hearing: March 24, 2016

for Executive Secretary: George M. Homewood, AICP, CFM *Mon. 24*

Planner: Matthew Simons, AICP, CZA, CFM *M.S.*

Staff Report	Item No. 5	
Address	414 33 rd Street	
Applicant	Christy's Home Day Care	
Request	Special Exception	Day Care Home
Property Owner	Joselin & Christianne G. Desir	
Site Characteristics	Site/Building Area	5,000 sq. ft./2,160 sq. ft.
	Future Land Use Map	Single-Family Traditional
	Zoning	R-11 (Moderate Density Multi-Family)
	Neighborhood	Park Place
	Character District	Traditional
Surrounding Area	North	R-11: single-family homes
	East	R-11: single-family homes
	South	R-11: single-family homes
	West	R-11: single-family homes



A. Summary of Request

- The subject property is located on the north side of 33rd Street, between Colonial Avenue and DeBree Avenue, in the Park Place neighborhood.
- Granting this request will allow the existing home business, Christy's Home Day Care, to expand its capacity from five children to nine children.

B. Plan Consistency

- The proposed special exception is consistent with *plaNorfolk2030*, which designates this site as single-family traditional.
- The supporting lifelong learning chapter of *plaNorfolk2030* calls for increasing the number and accessibility of high quality child care homes and centers.

C. Zoning Analysis

i. General

- In order to address any potential impacts to neighbors, a special exception is required for day care homes with between six to nine children on any residential lot between 5,000-5,999 square feet in lot area.
 - The site is located in an R-11 (Moderate Density Multi-Family) on a lot with 5,000 square feet of lot area, which permits the proposed use with a special exception.

	Proposed
Hours of Operation	6:00 a.m. to 6:30 p.m., Monday through Saturday 7:00 a.m. to 4:00 p.m., Sunday
Hours for Outdoor Play Area	8:00 a.m. to 6:00 p.m., Monday through Saturday 8:00 a.m. to 4:00 p.m., Sunday

- A new Certificate of Occupancy will be required to ensure that the home can safely accommodate an increase from a five-child to nine-child day care home.

ii. Parking

The site accommodates three off-street parking spaces, which complies with *Zoning Ordinance* requirements.

iii. Flood Zone

The property is located in the X Flood Zone, which is low-risk flood zone.

D. Transportation Impacts

- Institute of Transportation Engineers figures estimate that a daycare with nine children will generate 40 new vehicle trips per day.

- 33rd Street adjacent to the site is not an identified priority corridor in the City of Norfolk Bicycle and Pedestrian Strategic Plan.
 - The increased intensity should only have negligible impacts.

E. Historic Resources Impacts

The site is not located within a federal, state, or local historic district.

F. Public Schools Impacts

The site is located within the Granby Elementary School, Blair Middle School, and Granby High School Attendance Zones.

G. Environmental Impacts

No environmental impacts are anticipated with the proposed day care home expansion.

H. AICUZ Impact

None

I. Surrounding Area/Site Impacts

- A six-foot solid fence will be required to be installed and maintained prior to zoning approval for the increased occupancy.
- It is unlikely that there will be any additional impacts to the surrounding neighbors.

J. Payment of Taxes

The owner of the property is current on all real estate taxes.

K. Civic League

Notice was sent to the Park Place Civic League on February 10.

L. Communication Outreach/Notification

- Legal notice was posted on the property on February 16.
- Letters were mailed to all property owners within 300 feet of the property on March 11.
- Legal notification was placed in *The Virginian-Pilot* on March 17 and March 24.

Recommendation

Staff recommends **approval** of the special exception request subject to the conditions shown below:

- (a) The number of children shall be limited to a maximum of nine (9), excluding any children who are members of the family which reside at the home.
- (b) No zoning approval shall be granted to permit the use authorized by this special exception until the applicant obtains a new certificate of occupancy to reflect the maximum occupancy allowed.

- (c) The hours of operation for the day care home shall be limited to 6:00 a.m. until 6:30 p.m. Monday through Saturday, and from 7:00 a.m. until 4:00 p.m. Sunday. The hours for use of the outdoor play area shall be limited to 8:00 a.m. until 6:00 p.m. Monday through Saturday, and from 8:00 a.m. until 4:00 p.m. Sunday. No use of the residence as a day care home shall be permitted outside the hours of operation listed herein.
- (d) An opaque fence not less than six (6) feet in height shall be installed around the outdoor play area and shall be located in conformity with the regulations of section 13-2.3 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended).

Attachments

Location Map
Zoning Map
Application
Physical Survey
Notice to the Park Place Civic League

Location Map



CHRISTY'S DAYCARE

33RD STREET

W 32ND STREET

0 10 20 40 Feet



Zoning Map



CHRISTY'S DAYCARE

0 25 50 100 Feet





**APPLICATION
SPECIAL EXCEPTION**

Special Exception for: Day Care Home

Date of application: 1/16/2016

DESCRIPTION OF PROPERTY

Property location: (Street Number) 414 (Street Name) 33rd Street
~~33rd Street~~ ~~Deeble Avenue~~

Existing Use of Property FAMILY HOME

Current Building Square Footage 2160

Proposed Use ^{TAKE} TO CARE FOR 9 KIDS

Proposed Square Footage 1080

Proposed Hours of Operation:

Weekday From 6 AM To 6:30 PM

Friday From 6 AM To 6:30 PM

Saturday From 6 AM To 6:30 PM

Sunday From 7 AM To 4 PM

Trade Name of Business (If applicable) CHRISTY'S DAY CARE

DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised January, 2015)

APPLICANT

(If applicant is a LLC or a Corp./Inc., include name of official representative and/or all partners)

1. Name of applicant: (Last) Desir (First) Christianne (MI) G.

Mailing address of applicant (Street/P.O. Box): 414 West 33rd Street

(City) Norfolk (State) VA (Zip Code) 23508

Daytime telephone number of applicant (757) 623-3055 Fax () _____

E-mail address of applicant: gedeon368@gmail.com

AUTHORIZED AGENT (if applicable)

(If agent is a LLC or a Corp./Inc., include name of official representative and/or all partners)

2. Name of applicant: (Last) _____ (First) _____ (MI) _____

Mailing address of applicant (Street/P.O. Box): NA

(City) _____ (State) VA (Zip Code) _____

Daytime telephone number of applicant () _____ Fax () _____

E-mail address of applicant: _____

PROPERTY OWNER

(If property owner is a LLC or a Corp./Inc., include name of official representative and/or all partners)

3. Name of property owner: (Last) Desir (First) Christianne (MI) G. ^{Joselin +}

Mailing address of property owner (Street/P.O. box): 414 West 33rd Street

(City) Norfolk (State) VA (Zip Code) 23508

Daytime telephone number of owner (757) 623-3055 email: gedeon368@gmail.com

DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised January, 2015)

CIVIC LEAGUE INFORMATION

Civic League contact: FRANK KRISTON

Date(s) contacted: 01/04/16

Ward/Super Ward information: 2/7

REQUIRED ATTACHMENTS:

- ✓ Required application fee, **\$355.00** (if check, make payable to the City of Norfolk).
 - Application fee includes a non-refundable \$5 technology surcharge.
- ✓ One 8½ x 14 inch or 11 x 17 inch copy of a physical survey, drawn to scale and showing site conditions and improvements (including portions of the right-of-way to the curb line):
 - Existing and proposed building structures
 - Driveways
 - Parking
 - Landscaping
 - Property lines (see attached example)
- ✓ One 8½ x 14 inch or 11 x 17 inch copy of a conceptual site plan drawn to scale and showing all proposed site improvements, landscaping, drive aisles and parking with dimensions, and proposed changes to parcel/property lines (including lease lines) if applicable.

CERTIFICATION:

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: Christianne Desir Sign: [Signature] 2/7/2016
(Property Owner) (Date)

Print name: Christianne Desir Sign: [Signature] 2/11/2016
(Applicant) (Date)

ONLY NEEDED IF APPLICABLE:

Print name: _____ Sign: _____ / ____ / ____
(Authorized Agent Signature) (Date)

Simons, Matthew

From: Simons, Matthew
Sent: Friday, February 19, 2016 6:45 PM
To: Straley, Matthew; 'fjkriston@gmail.com'
Cc: Whibley, Terry; Williams, Angelia M.; Wilson, Denise
Subject: RE: new Planning Commission application - 406 33rd Street

Frank,
I'm sorry, the address of the proposed daycare below should be 414 33rd Street, not 406.

It was good speaking with you yesterday. Let me know if you have any questions.
Thanks,

Matthew Simons, AICP, CZA, CFM
City Planner II

757-664-4750

From: Straley, Matthew
Sent: Wednesday, February 10, 2016 11:19 AM
To: 'fjkriston@gmail.com'
Cc: Whibley, Terry; Williams, Angelia M.; Wilson, Denise; Simons, Matthew
Subject: new Planning Commission application - 406 33rd Street

Mr. Kriston,

Attached please find the application for a special exception to operate a day care home at 406 33rd Street.

The item is tentatively scheduled for the March 24, 2016 Planning Commission public hearing.

Should you have any questions, please e-mail or call *Matt Simons* at (757) 664-4750, matthew.simons@norfolk.gov

Thank you.

Matthew Straley
GIS Technician II


City Planning
810 Union Street, Suite 508
Norfolk, VA 23510
757-664-4769

Connect with us:
www.norfolk.gov

